

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WA.No. 590 of 2007

AGAINST THE JUDGEMENT IN WPC.33478/2006 Dated 05/02/2007
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APPELLANT: PETITIONER

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1. GAFOOR, S/O.MOHAMMED, AGED 44 YEARS,
RESIDING AT GHELASET PARAMBU, H.NO.C.C.NO.5/514,
MATTANCHERRY VILLAGE, ERNAKULAM DISTRICT.
 2. SHAHIDA, W/O.GAFOOR, AGED 37 YEARS,
RESIDING AT GHELASET PARAMB, H.NO.C.C.5/514,
MATTANCHERRY VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.V.B.NARAYANAN

RESPONDENTS: RESPONDENTS

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1. UNION OF INDIA, REP.BY SECRETARY TO
THE MINISTRY OF FINANCE, GOVERNMENT OF INDIA,
NEW DELHI.
 2. THE COMPETENT AUTHORITY, SMUGGLERS AND
FOREIGN EXCHANGE, MANIPULATORS (FORFEITURE OF
PROPERTY) MADRAS.
 3. STATE OF KERALA, REP.BY SECRETARY,
MINISRY OF FINANCE, GOVERNMENT OF KERALA,
TRIVANDRUM.
 4. DISTRICT COLLECTOR, ERNAKULAM DISTRICT.
 5. TAHSILDAR, KOCHI TALUK.
 6. VILLAGE OFFICER, MATTANCHERRY.
 7. SHERIFA ABDU, W/O.LATE ABDU,
RAYAM VEEDU, MATTANCHERRY P.O.
 8. R.A.SUHRA, D/O.LATE ABDU,
RAYAM VEEDU, MATTANCHERRY P.O.
 9. R.A.SAKKARIYA, S/O.LATE ABDU,
RAYAM VEEDU, MATTANCHERRY P.O.
 10. R.A.NAZEER, S/O.LATE ABDU,
RAYAM VEEDU, MATTANCHERRY P.O.

11. R.A.MOHAMMED, S/O.LATE ABDU,
RAYAM VEEDU, MATTANCHERRY P.O.

12. R.A.RAZHIYA, D/O.LATE ABDU, RAYAM VEEDU,
MATTANCHERRY P.O.

13. R.A.SUBAIDA, D/O.LATE ABDU,
RAYAM VEEDU, MATTANCHERRY P.O.

14. R.A.ZEENATH, D/O.LATE ABDU,
RAYAM VEEDU, RAYAM VEEDU, MATTANCHERRY P.O.

R1 ABD R2 BY ASST. SOLICITOR GENERAL
SRI JOHN VARGHESE
R3 TOR 6 BY GOVT. PLEADER SMT K. MEERA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN, Ag. C.J. & M.N. KRISHNAN, J.

Writ Appeal No 590 of 2007

Dated: 6th March 2007

JUDGMENT

Radhakrishnan, Ag. C.J.

We find no infirmity in the judgment of the learned single judge. There is statutory forfeiture of the land by the Government free from encumbrance. That being the position, learned single judge has rightly declined the reliefs especially after taking into consideration the rigor of the provisions of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976. Counsel appearing for the appellant prays for three months' time for vacating the premises. Considering the facts and circumstances of the case, we are inclined to grant three months' time from today to the appellant for vacating the premises. The appeal is dismissed.

Sd/-
K.S. RADHAKRISHNAN
Acting Chief Justice

Sd/-
M.N. KRISHNAN
Judge

07/03/2007

en/

[true copy]

